



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of)	
SAUGATUCK FOOD SERVICES, INC.)	
216 St. Peters)	Business ID No. 7668
Tower Marina)	Request ID No. 634609
Douglas, Michigan 49406)	
)	
Allegan County)	
_____)	

At the December 11, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

SHOW CAUSE HEARING ORDER

On January 14, 1974, Saugatuck Food Services, Inc. (licensee) filed a request for a new Resort Class C license issued under MCL 436.1531(3) with SDM license and Dance Permit, to be held at the above-noted location, which was a ship known as the "S.S. Keewatin". The request was approved by the Commission on January 8, 1979, and the licenses and permits were issued on May 2, 1980. The licensee was later approved for Outdoor Service (1 area) and a Sunday Sales Permit (P.M.).

At a meeting held on August 1, 2012, the Commission ordered a Show Cause Hearing be scheduled under administrative rule R 436.1925(1) to determine the status of the Resort Class C and SDM licenses, and any or all other issues related to the licenses, permits and permissions under the MLCC Code and Administrative Rules.

The Commission scheduled and held the Show Cause Hearing in this matter on August 14, 2012 at the Commission's Lansing office and tabled it to the December 11,

2012 appeal hearing agenda held at the Commission's Lansing office. Representing the licensee at both hearings was Attorney Michael Brown and Roland Peterson, President of the licensed corporation.

After hearing arguments at both hearings held in this matter, reviewing the MLCC file and Exhibits presented, and discussion of the issue on the record, the Commission finds that the licensed premises originally licensed under the provisions of MCL 436.1531(3) to a ship known as the "S.S. Keewatin" is no longer located in the state of Michigan and no longer qualifies for licensure.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

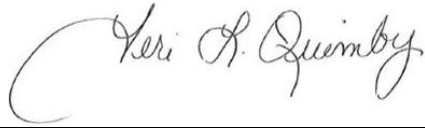
THEREFORE, IT IS ORDERED that:

- A. The 2012 Resort Class C license is CANCELLED under MCL 436.1531(3).
- B. The SDM license is CANCELLED because the SDM it is not an approved type of business under administrative rule R 436.1129(1) without the Resort Class C license.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: August 7, 2012



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
FAMILY FARE, LLC)	
2245 Eighty Fourth)	Request ID No. 633104
Byron Center, Michigan 49315)	
)	
Byron Township Kent County)	
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At the December 11, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On February 3, 2012, Family Fare, LLC (applicant) filed a request to transfer location of an escrowed SDD license, only, from 701 Sixty Eighth SW, Orchard Plaza, Grand Rapids, Byron Township, Kent County, to the above-noted location; to be held in conjunction with an existing SDM license with permission for motor vehicle fuel pumps under MCL 436.1541(1). The applicant also requested to change the nature of the SDD license to include permission for motor vehicle fuel pumps under MCL 436.1541(1).

At a meeting held on May 9, 2012, the Commission denied the request under administrative rule R 436.1133 because there are two (2) existing SDD licensees located within 2,640 feet of the proposed location (Todd B. Zaccanelli and Rite Aid of Michigan, Inc.); the applicant qualifies for a waiver for Rite Aid of Michigan, Inc. but did not appear to

qualify for any waivers relative to Todd B. Zaccanelli.

Attorney Michael Brown submitted a timely request for an appeal in this matter and represented the applicant at the June 19, 2012 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission tabled this matter to its December 11, 2012 meeting agenda, held at the Commission's Lansing office.

After hearing arguments at both hearings held in this matter, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds significant that Commission records indicate the SDD license held by Rite Aid of Michigan, Inc. was placed in escrow on March 27, 2012 as the business closed. Further, an affidavit from Rite Aid of Michigan, Inc. sufficiently demonstrates that the escrowed license located within 2,640 feet is not able to be reactivated at that address because that licensee no longer holds a lease for that address, and has no plans to enter into a new lease or establish a physical plant at that location. Because of the affidavit from Rite Aid of Michigan, Inc., the Commission finds that Rite Aid of Michigan, Inc. is not an existing licensee at this address inasmuch as the license is in escrow and they have no ownership or leasehold interest in the property where their license was formerly located. Since Rite Aid of Michigan, Inc. is not an existing licensee at this address the half-mile rule is not applicable.

The Commission further finds that the Commission's investigation revealed that the proposed licensed location currently qualifies for permission for fuel pumps under the provisions of MCL 436.1541(1)(a)(ii) and MCL 436.1541(1)(b), as defined under administrative rule R 436.1129(4)(c), providing the applicant maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses; and that the site(s) of payment and selection of alcoholic liquor is not less than 50 feet from that point where motor vehicle fuel is dispensed.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission

shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f) and (g), the licensee may sell beer, wine, spirits, and mixed spirit drink for consumption off the premises only.

THEREFORE, IT IS ORDERED that:

A. The denial order of May 9, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall maintain proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject licenses until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The licensee shall comply and maintain on the licensed premises at all times, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for permission for fuel pumps under the provisions of MCL 436.1541(1)(a)(ii).

C. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of these licenses by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and

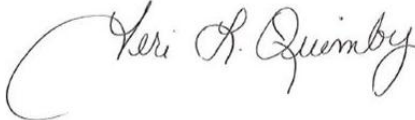
local licenses, permits, and approvals before serving or selling alcoholic liquor.

D. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____